ence, or study in it, in order to acquire a knowledge of it. *Rogers on Expert Testimony,* page 17. The opinion of witnesses cannot be received when the inquiry is in relation to a subject-matter, the nature of which is such as not to require any peculiar habits of study in order to qualify a man to understand it. *Smith Leading Cases,* 286. In *Teall v. Barton,* 40 Barb. (N. Y.) 137, the defendants were engaged in removing a sunken boat from the channel of a canal by means of a steam dredging machine, in the vicinity of plaintiff's farm-buildings, without any spark-arrester or screen upon their smoke-stack. A question to a witness as to whether he considered it dangerous to use the dredge without a spark-arrester was properly overruled, as it was no question of science or unusual skill and, therefore, did not fall within the rule relating to expert testimony. An expert cannot testify as to what constitutes an engine properly constructed in the matter of a spark-arrester, but after a certain appliance has been identified as being ordinarily employed, a witness may state, as the result of his own experience, that cinders shown to him could not be emitted through such an appliance if an engine were properly constructed. *Brush v. Long Island R. R. Co.,* 10 Me. Div. 535 (affirmed 158 N. Y. 742). Defendant called witnesses long connected with the fire department of Portland to whom he presented a plan of the buildings, their construction, material, etc., and asked whether or not in their opinion large fires in large wooden buildings make their own currents, frequently eddying against the winds. This testimony was excluded. *State v. Watson,* 65 Maine 74. The application of the general rule will be seen from the illustration in the cases similar to the principal case.

LARCENY—PROPERTY LOST.—STATE V. LEVINE, 66 ATL. 529 (CONN.)—*Held,* that where the finder of a bank check handed the same to defendant, inquiring whether he knew the owner, and the defendant to induce the finder to leave the check with him that he might convert it to his own use, falsely represented that he expected the owner to call at his store, and that he would give it to him, and upon its being left, converted it to his own use, he was guilty of larceny.

It has been held that in order to constitute larceny, the intent to steal must exist at the time of taking and it is not sufficient that he have the intent at the time of conversion. *People v. Wilson,* 39 N. Y. 459. The prevailing rule, however, is to the contrary. 12 *Am. & Eng. Ency. Law.* 772. So where one has obtained possession lawfully, it must have been gotten by false pretexts or fraud. *Hermandez v. State,* 20 Tex. App. 151. Or there must be some new and distinct act of taking without intent to convert to the use of the taker. *Wharton Crim. Law,* Vol. II, p. 437. In Tennessee it is held that lost property, as distinguished from mislaid, cannot be the subject of larceny; *Lawrence v. State,* 20 Tenn. 228; but the contrary view is generally taken. *Comm. v. Tanner,* 14 Grat. 635 (Va.).

INTOXICATING LIQUORS—REGULATIONS—STATUTORY PROVISIONS—SUNDAY CLOSING.—PEOPLE V. HENZE, 112 N. W. (MICH.) 491. A statute provides that all saloons be closed on Sunday, and declared that the word "closed" be construed to apply to the back door or other entrance as well as to the front door. Defeindant lived in a room above his saloon, which was reached only by an outside stairway. No liquors were ever served in this room.—*Held,* that where the defendant went to his saloon on Sunday to get his meals in the kitchen at the rear, and to attend to the fires and empty the